



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4860

Introduced 1/15/2010, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1431 new
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Amends the Illinois Vehicle Code and Consumer Fraud and Deceptive Business Practices Act. Provides that it is a violation of the Illinois Vehicle Code and an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act for a person who owns or operates a tow-truck (a tower) or an employee or agent of a tower to: (i) stop at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle for the purpose of soliciting the owner or operator of the damaged or disabled vehicle to enter into a towing service transaction; or (ii) stop at the scene of an accident or at or near a damaged or disabled vehicle unless called to the location by a law enforcement officer or the owner or operator of the damaged or disabled vehicle. Effective immediately.

LRB096 16597 AJT 31871 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 11-1431 as follows:

6 (625 ILCS 5/11-1431 new)

7 Sec. 11-1431. Solicitations at accident or disablement
8 scene prohibited. A tower, as defined by Section 1-205.2 of
9 this Code, or an employee or agent of a tower may not: (i) stop
10 at the scene of a motor vehicle accident or at or near a
11 damaged or disabled vehicle for the purpose of soliciting the
12 owner or operator of the damaged or disabled vehicle to enter
13 into a towing service transaction; or (ii) stop at the scene of
14 an accident or at or near a damaged or disabled vehicle unless
15 called to the location by a law enforcement officer or the
16 owner or operator of the damaged or disabled vehicle.

17 Section 10. The Consumer Fraud and Deceptive Business
18 Practices Act is amended by changing Section 2Z as follows:

19 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

20 Sec. 2Z. Violations of other Acts. Any person who knowingly
21 violates the Automotive Repair Act, the Automotive Collision

1 Repair Act, the Home Repair and Remodeling Act, the Dance
2 Studio Act, the Physical Fitness Services Act, the Hearing
3 Instrument Consumer Protection Act, the Illinois Union Label
4 Act, the Job Referral and Job Listing Services Consumer
5 Protection Act, the Travel Promotion Consumer Protection Act,
6 the Credit Services Organizations Act, the Automatic Telephone
7 Dialers Act, the Pay-Per-Call Services Consumer Protection
8 Act, the Telephone Solicitations Act, the Illinois Funeral or
9 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
10 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
11 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
12 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
13 Act, ~~the Payday Loan Reform Act,~~ subsection (a) or (b) of
14 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
15 Act, the Internet Caller Identification Act, paragraph (6) of
16 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
17 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, or
18 18d-150 of the Illinois Vehicle Code, Article 3 of the
19 Residential Real Property Disclosure Act, the Automatic
20 Contract Renewal Act, or the Personal Information Protection
21 Act commits an unlawful practice within the meaning of this
22 Act.

23 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
24 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,
25 eff. 1-1-08; 95-562, eff. 7-1-08; 95-876, eff. 8-21-08; revised
26 11-4-09.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.